

deed or deeds have been executed and made with all the solemnities necessary in law to the perfecting such deed or deeds, such deed or deeds shall be good and indefeasible in law, and shall be deemed to convey the interest therein specified in the same manner as if the grant above mentioned had never been lost or destroyed. *Provided*, that nothing herein shall be construed so as to extend the lines contained in the said patent, or to give title to any other land than what was included in the old marked or proceined lines of said patent.

X Year of Independence. The 19th of November, 1785.

CHAP. VI. *An additional act to amend the several acts for regulating the town of Wilmington, and to regulate and restrain the conduct of slaves and others in the said town, and in the towns of Washington, Edenton and Fayetteville.*

WHEREAS the proprietors of the water-lots in the southern end of the town of *Wilmington*, have petitioned this present General Assembly, setting forth that the said lots, occasioned by the winding of the river, are of very inconvenient length, measuring from Front-street to the water, where shortest about four hundred and seventy feet, and where longest about eight hundred and thirty feet, and praying that a communication from South-street through the said lots until it intersects Church-street, and as near to Nun-street as may be found proper and convenient, may be opened and established by law, in such manner as will be most beneficial to the owners thereof, and as the commissioners of the said town shall direct, but so as that such communication shall not be less than sixty-six feet wide. And whereas it appears from the said petition, that the original proprietor of the said town of *Wilmington* intersected the said lots with a street, and that many of them were sold and disposed of as divided by the said street, and it will be more commodious for the inhabitants and others who may have occasion to transact business in the said town to have the communication opened and established by law ;

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that it shall and may be lawful for the commissioners of the said town of *Wilmington*, and they are hereby required to lay out a new street, from South-street across the water-lots until it shall intersect Church-street, and as near to Nun-street as shall be found proper and convenient ; and that such streets shall be laid off and marked as soon as the same can conveniently be done after the passing of this act.

And whereas after the said street shall be laid off, most of the water-lots between South-street and Castle-street, will still continue much longer than any other lots in the said town and it may be found convenient to open a street through them near the river :

II. *Be it therefore enacted by the authority aforesaid*, that the commissioners of the said town, may by the consent of the proprietors of three-fourth parts of the said lots, between South-street and Castle-street, lay out and mark a street intersecting the said lots near the water, but so as to leave sufficient room for wharves and ware-houses, and not less than sixty-six feet for the width of such street.

III. *And be it further enacted, by the authority aforesaid*, that the streets, and each of them to be laid off and marked by virtue of this act, shall be deemed public streets ; and shall be under the same jurisdiction, restrictions and regulations as other streets in the said town of *Wilmington* :

And whereas the raising a revenue by casual and other taxations and rents will tend to lessen the annual tax on the inhabitants of the said town of *Wilmington* :

IV. *Be it therefore enacted by the authority aforesaid*, that the said commissioners shall out of the public monies which shall from year to year be by them assessed and collected, or which shall be paid to the town treasurer for fines or otherwise, construct and erect stalls in the market places ; and that all persons bringing provisions of any kinds, or fruits, for sale, shall pay for the use of the said market place or stall such tax as shall be assessed by the commissioners from time to time ; which taxes shall be rated according to the quantity of provisions and fruits to be exposed to sale in the said market places, *that is to say*, stipulated sums for every beef, mutton and veal and so of all other animal food ; and stipulated sums for certain quantities of fruits and other vegetable productions to be paid to such officers as shall be appointed to collect the same, by the persons respectively who shall bring such provisions and fruits to the said town for sale, whether by land or water. *Provided always*, that the commissioners may suffer and permit persons bringing provisions and fruits to market in boats, to sell and dispose of the same at any public or private wharf, with the consent of the owner thereof ; and persons bringing such by land to sell the same (butcher's meat excepted) from their carts contiguous to the market place.

V. *And be it further enacted, by the authority aforesaid*, that it shall and may be lawful for the commissioners of the said towns and they are hereby required as soon as their funds will permit, to build cellars under their market places or other public buildings in the said town, where the elevation of the ground will permit such cellars to be sunk of a proper depth ; and such cellars to rent out from time to time for the benefit of the said town.

And whereas it is customary for many persons, as well in the country as in the several towns in this state, to permit their slaves to hire themselves out from day to day, by which great profits are acquired, and it is reasonable that those persons who derive such advantages from the labour of their slaves in the towns should contribute more than the ordinary taxes towards its support, and at the same time that a distinction should be made between such slaves as may be returned as taxable property in the said towns respectively, and such whose owners reside in the country, and re-

turn their taxable property there, although part of their slaves generally work in the towns. And whereas permitting slaves to hire themselves under proper restrictions and regulations, may be rendered convenient for such persons as may occasionally want daily labourers :

VI. *Be it therefore enacted by the authority aforesaid*, that from and after the first day of May next, it shall not be lawful for any slave in the towns of *Wilmington, Washington, Edenton, or Fayetteville*, to hire her or himself out, without first producing a permission in writing from the owner, or other persons having the care or management of such slave, directed to the commissioners, trustees or directors of the town where such slave shall be ; who thereupon shall cause the said permission to be entered by the town clerk in their books and filed, for which the owner of the slave shall pay a fee of one shilling ; and the commissioners shall cause a leaden or pewter badge to be affixed to some conspicuous part of the outer garment of such slave with a device, which may be altered from time to time, expressive of the intention of such badge ; and every slave having a badge in manner by this act directed, may hire him or herself out, and may lawfully be hired by any person or persons whatever.

VII. *And be it enacted by the authority aforesaid*, that for all slaves who shall have badges as above directed, and who shall be town taxables, there shall be paid as follows, *to wit* : for every male slave being a tradesman there shall be paid yearly to the commissioners, trustees or directors the sum of sixteen shillings ; for every male slave not being a tradesman the sum of ten shillings, and for every female slave the sum of eight shillings, but if any slaves having such badges shall not be returned as town taxables, then there shall be paid for every male slave being a tradesman twenty four shillings ; for every male slave not being a tradesman the sum of fifteen shillings, and for every female slave twelve shillings, to be applied as other taxes assessed and collected in the said towns.

And that the taxes upon slaves having badges may be more easily collected and all fraud and evasion prevented :

VIII. *Be it enacted, by the authority aforesaid*, that the taxes imposed by this act on slaves who shall be returned as town taxables, shall be paid and collected in the same manner as other town taxes ; and that the taxes imposed on such slaves as may not be returned as town taxables, shall be paid or secured to be paid, to the satisfaction of the commissioners, trustees or directors, on or before the first day of July in every year, before any badge shall be by them granted as aforesaid.

And whereas there are many slaves in the said towns, who contrary to law have houses of their own, or are permitted to reside in the out houses or kitchens of divers of the inhabitants, or in the houses of the free negroes, mulattoes, persons of mixed blood and others, and work and labour for themselves in several trades and occupations, stipulating to pay their owners such daily, weekly or monthly wages as shall be demanded of them ; by reason of which robberies and frauds frequently happen, servants are corrupted, and the poor white inhabitants are deprived of the means of earning their subsistence by labour : for remedy whereof,

IX. *Be it enacted, by the authority aforesaid*, that no slave shall be permitted to exercise any trade or occupation in the said towns respectively without a certificate from the owner, or other persons having the care or management thereof, directed as aforesaid, or without such badge as shall be given to slaves permitted to hire themselves ; and all slaves permitted to exercise any trade or occupation as aforesaid, shall be subject to pay the same tax as slaves who are not returned as taxable property in the towns aforesaid, and to be paid or secured in manner as before directed. *Provided always*, that nothing herein contained, shall extend or be construed to extend to prohibit any person or persons residing in the said towns respectively, from hiring out their slaves, or in employing such slaves in exercising any trade or occupation under the immediate direction of their owners residing in the said town, so that such slave or slaves be not permitted to receive the wages contracted for, nor the value of any article manufactured or made, or the work and labour done, but in all such cases the owner or other person having the care of slaves, shall make the contract and receive the monies arising therefrom.

And in order to discriminate between free negroes, mulattoes and other persons of mixed blood, and slaves ;

X. *Be it enacted by the authority aforesaid*, that all persons of the above mentioned description, who are or shall be free, shall on or before the said first day of May next, apply to the commissioners, trustees or directors of the respective towns aforesaid, in order to have their names registered ; and every such person coming into the said towns respectively to reside, shall within three days after their arrival make the like application ; and the commissioners, trustees or directors are hereby authorized and required to give every such free person a badge of cloth, of such colour or colours as they shall respectively direct, to be fixed on the left shoulder, and to have thereon wrought in legible capital letters the word FREE : for registration of each of which names the town clerk shall receive two shillings, and the commissioners, trustees and directors respectively shall receive the sum of eight shillings for the use of their respective towns ; which registration and badge shall continue in force during the time that such free person shall remain an inhabitant of the town in which he or she shall reside : and if any free negro, mulatto or other person of mixed blood, shall neglect or refuse to apply to the commissioners, trustees or directors as aforesaid, or shall refuse to receive a badge in manner by this act directed, every such person so neglecting or refusing shall be subject to pay the same tax that is hereby imposed on slaves who are not returned as town taxables, and who shall have badges to enable them to hire themselves : and that such free persons may be the better known, the justices of the Peace who shall receive the returns of taxable property in said towns, shall in their yearly returns describe all such persons as are free, and are negroes, mulattoes or otherwise of mixed blood as aforesaid ; and all such persons as a-

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forefaid not paying their fines, fees and taxes shall be hired out for fo long time as will pay the fame refpectively.

XI. *And be it further enacted, by the authority aforefaid, that the commissioners of the faid town, fhall and may from time to time, make fuch ordinances and regulations, and under fuch fines, forfeitures and penalties as to them fhall feem reasonable, for the better carrying the intentions of this act, and other acts for the better regulation of the faid towns into execution, but fo as that fuch ordinances and regulations do not contravene the fundamental conftitutions and laws of the ftate, and fo that the party thinking himfelf aggrieved thereby may appeal to the county court.*

XII. *And be it enacted, by the authority aforefaid, that if any flave permitted to hire him or herfelf out in manner by this act directed, fhould happen to be capitally convicted for any crime committed during the time that he or fhe fhall have fuch permiffion, the owner of fuch flave fhall not be allowed any compenfation from the public or otherwife for the value thereof when executed.*

XIII. *And be it alfo enacted, by the authority aforefaid, that if any free perfon of mixed blood, or any free negro, refiding within any of the faid towns, fhall be convicted of any felonious crimes with flaves in the town where he or fhall fo refide, or fhall receive any goods from any flave or flaves without a ticket from his, her or their owner or other perfon having the care and management of fuch flave or flaves, or fhall receive or harbour in his or her houfe or otherwife, any runaway or abfconding flave or flaves, every fuch free perfon being a negro or of mixed blood as aforefaid, fhall upon conviction, forfeit and pay to the commissioners, trustees or directors of the town in which he or fhe fhall refide the fum of ten pounds, to be levied off his or her property real or perfonal and applied to the ftock of the town. *Provided always, that if any fuch free perfon to be convicted as aforefaid, fhall upon fuch conviction fignify his or her confent to remove from fuch town, and fhall give fecurity for fuch removal within ten days thereafter; and alfo that he or fhe will not refide in fuch town or within ten miles thereof, for the fpace of feven years, then it fhall and may be lawful for the commissioners, trustees or directors as the cafe may be to take fuch fecurity payable to themfelves and their fucceffors in office, and upon breach of the condition to put the fame in fuit and recover the penalty for the ufe of their town; and upon fuch bond being taken with fecurity as aforefaid, the penalty inflicted upon conviction as before directed, fhall be remitted to the offender, any thing herein contained to the contrary notwithstanding.**

And whereas the laws and regulations made to prevent dealing and trafficking with flaves, have been found infufficient to prevent that dangerous and pernicious practice :

XIV. *Be it therefore enacted, by the authority aforefaid, that if any free perfon fhall either buy from or fell to any flave or flaves, or fhall barter with any flave or flaves, any kind of goods or commodities whatsoever, or other thing, without a permiffion in writing from the mafter, miftrefs or other perfon having the management of fuch flave or flaves, every fuch free perfon fhall on conviction forfeit and pay the fum of ten pounds, to be levied off his or her property as other recoveries by law; and if the offender fhall not have fufficient property to fatisfy the judgment, then fuch offender fhall be committed to clofe cuftody, and fhall remain in prifon without bail or mainprize for any time not exceeding three months.*

XV. *And it is hereby further enacted by the authority aforefaid, that if any perfon or perfons fhall be convicted of entertaining any flave or flaves in his, her or their houfe or houfes, or other place or places, in any manner whatsoever, for money or otherwife, every perfon convicted thereof fhall forfeit and pay to the commissioners, trustees or directors of the town where fuch offence fhall be committed, for the firft offence ten pounds, for the fecond offence twenty pounds, and for the third offence fhall be whipped publicly not exceeding thirty nine laves, and fhall be thereby rendered infamous. *Provided always, that when the offender fhall be unable to pay the forfeiture, he or fhe may be whipped for the firft or fecond offence or either of them.**

And in order that perfons dealing with flaves without permiffion as aforefaid, may the more eafily be convicted :

XVI. *Be it enacted by the authority aforefaid, that if any flave fhall be feen going into any ftore or other houfe, and fuch flave fhall carry into fuch ftore or houfe, any article or articles which may be fupplied for fale, or any bottle, jug or other thing in which liquor may be conveyed, or fhall bring out of fuch houfe or ftore any thing which may be fupplied to have been purchafed therein, and fuch flave fhall not have a badge as is herein before directed for flaves who may be permitted to follow fome trade or occupation, and proof fhall be made of the facts, the fame fhall be deemed fufficient to convict the offender, unlefs he or fhe can produce a permiffion as aforefaid in writing from the mafter, miftrefs or perfon having the management of fuch flave. *Provided always, that nothing herein contained fhall be conftrued to prevent any flave or flaves from delivering to any perfon or perfons refiding in any of the faid towns, any article of provisions or other thing which may be lent to any fuch perfon from their friends in the country or elfewhere, provided fuch flave has a written permiffion for fo doing.**

XVII. *And be it further enacted, by the authority aforefaid, that the commissioners, trustees and directors of the faid towns refpectively, are hereby impowered and required to make fuch additions to and explanations of the feveral claufes of this act, relative to flaves, free negroes and free perfons of mixed blood, as may tend to carry the fame more effectually into execution againft all perfons who come within the purview thereof. *Provided always, that all appeals from the commissioners, trustees or directors of the faid towns refpectively fhall be tried by a jury.**